Supreme Court, U.S.
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No. 90-404

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

ILLINOIS STATE LABOR RELATIONS BOARD, ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES, AND ILLINOIS DEPARTMENT OF CORRECTIONS,
Petitioners,

v.

ILLINOIS NURSES ASSOCIATION, *et al.*,
Respondents.

On Petition for Writ of Certiorari to the Illinois Appellate Court, First Judicial District

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RESPONDENT'S SUPPLEMENTAL BRIEF IN RESPONSE TO THE AMICUS BRIEF OF THE UNITED STATES

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The Respondent, Illinois Nurses Association, respectfully submits this response to call to the attention of this Court the Solicitor General's failure to address a critical issue in this matter. A primary argument made by Respondent Illinois Nurses Association and Amicus AFSCME is that the Illinois Appellate Court was correct

in holding that Illinois law, pursuant to its constitution and statutes, as well as the federal constitution mandate the State of Illinois to be the employer in this case; and, therefore, a federal pre-emption question is not even presented. See Pet. Br. App. 3-12, Br. in Opp. 5-6 and AFSCME Amicus Br. 4. The United States only mentions this critical argument on page 13 and n.13 of its Amicus Brief. Nowhere does the United States address or rebut this argument.

CONCLUSION

For these reasons, and for all of the reasons previously set forth, the petition for writ of certiorari should be denied.

Respectfully submitted,

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March 18, 1991